

**PB# 83-11**

**Fred Pellechia**

Fred Pellechia Site Plan

83-11

Approved 5/11/83 sh  
 filed with Town Clerk 5/12/83 ph.

General Receipt			5161
TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, N. Y. 12550			April 26
Received of <u>Fred Pellechia (Vincent J. Doce)</u>			\$ <u>25<sup>00</sup>/<sub>100</sub></u>
<u>Twenty Five and <sup>00</sup>/<sub>100</sub></u>			
For <u>Site Plan 83-11</u>			
DISTRIBUTION			
FUND	CODE	AMOUNT	
<u>\$25.00 Check</u>			
<u>#5083</u>			
By <u>Pauline G. Town</u>			
<u>Town Clerk</u>			Title

General Receipt			5190
TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, N. Y. 12550			May 12 19 83
Received of <u>Fred Pellechia</u>			\$ <u>75<sup>00</sup>/<sub>100</sub></u>
<u>Seventy Five and <sup>00</sup>/<sub>100</sub></u>			DOLLARS
For <u>Balance on Site Plan Fee 83-11</u>			
DISTRIBUTION			
FUND	CODE	AMOUNT	
<u>\$75.00 Check</u>			
By <u>Pauline G. Town</u> E.C.			
<u>Town Clerk</u>			Title

PAY  
TO THE  
ORDER OF

Town of New Windsor

Twenty Five & no/100

DOLLARS

  
Highland Federal Bank  
NEW WINDSOR, N.Y. 12553

Engineering fees

Fred W. Pellicani

@:021901748: 11011 5139 81101

No.

May 11, 1983 50-174  
219

\$ 25.00

another you need a change, you come in for a change.

Mr. Doce: If there is a change we have to come back?

Atty. Krieger: That's right.

Mr. Spignardo: If additional spaces are needed where would you put them.

Mr. Crossley: We are dealing with a hardship situation.

Atty. Krieger: There is no limit of applications to come in with.

Mr. Reynolds: I have a question. From watching this program, if you are going to do paving there is a lot of water. I would like to see something.

Mr. Crossley: There will be a swale.

Motion by Mr. Reynolds seconded by Mr. Jones that the Planning Board of the Town of New Windsor approve the New Wave Spa Site Plan located on Vails Gate Heights Drive and Old Temple Hill Road subject to Town Board approval.

Roll call: Jones: aye                      Reynolds: aye  
              Infante: nay                    Van Leeuwen: aye  
              Scheible: aye  
              Spignardo: aye

5 ayes, 0 nays Motion approved

\*\*\*\*\*

Fred Pellechia Lot Line Change  
Located on Route 207  
represented by Vice Doce

Mr. Doce: explained that the property had a greenhouse and now Mr. Pellechia wants to go for an ice cream stand. Mr. Pellechia came in before the Board to receive approval.

In reviewing past history a few years ago Mr. Pellechia owned a piece of property which he received an approval from the Planning Board. Soon after he purchased the property next door from a Mr. Ownens. Mr. Pellechia told this to the former Building Inspector. The Inspector gave a recommendation that the property line should be changed. Mr. Pellechia went out to Goshen Orange County Clerk's Office and did this and he constructed his building and operated it for some five to seven years. It has been existing with a building permit, and a lot line change made at Building Inspector's (former) recommendation. No one ever questioned it or the problem never arose. No problem arose until he made the application to change from a garden center to ice cream. It had a set back violation. Instead of 40 ft. from the highway, it had 28 ft. He is having a Public Hearing in two (2) weeks with the ZBA. He has elected to request a variance from the ZBA and site plan approval from the Planning Board. He is here this evening for approval. I am here to show his proposed plan as a ice cream vender and show remaining green house to be removed.

April 27, 1983

page 7.

Chairman Van Leeuwen: What is your pleasure Gentlemen re: Lot line change?

Motion by Mr. Spignardo seconded by Mr. Infante that the Planning Board of the Town of New Windsor approve the lot line change of Fred Pellechia located on Route 207.

Roll call: Jones: yes                      Spignardo: yes  
             Infante: yes                    Reyns: yes  
             Scheible: yes                  Van Leeuwen: yes

All ayes, no nays (6 ayes-0 nays) Motion carried

Mr. Doce asked if they might go on to the Site Plan of Mr. Pellechia's

Chairman Van Leeuwen: Has the Board of Health approved this yet?

Mr. Pellechia: No, I am going to go there Friday.

Chairman Van Leeuwen: What kind of a driveway will you have? Blacktopped?

Mr. Pellechia: It will be gravel - fine shale, that is what I have there now.

Atty. Krieger: It might be better to wait until Board of Health gives their approval.

Mr. Reyns: Does the Board of Health come before us?

Mr. Spignardo: No.

Chairman Van Leeuwen: The lot line and then Town Board approval of easement. The only thing we could and did approve is the lot line. (see above)

Next we will take a pole on concept 1 or concept 2.

Pole taken of Board. Board agreed Plan #2.

Mr. Infante: I approve the concept but I would like to put this on another agenda. There are too many things hanging.

Mr. Pellechia: We have been to the Zoning Board of Appeals. Our Hearing is May 9, 1983.

Chairman Van Leeuwen: We approved the concept but we will not give final approval on a subject to tonight. We will place you on the next agenda. You bring us a letter from the Orange County Board of Health and you get Town Board approval of easement and approval by the ZBA.

Mr. Pellechia: The only consideration here was that we are trying to get this together because it is going to be a custard stand. I understand that the ZBA will have to approve all this. I am not asking you to approve anything that they won't approve. I wanted to know how the Board felt.

Mr. Infante: We gave you conceptual approval.

Atty. Krieger: They are set for a Public Hearing in May.

Mr. Kennedy: He really needed that lot line change otherwise he would have needed a side yard variance.

Mr. Pellechia: Parking doesn't become a problem. We have more room than the Nursing building across the street. The Planning Board Engineer has deemed adequate the parking.

Mr. Doce: He would like to formalize lot line change. There was a vague easement running to the Town in this area for drainage. Mr. Pellechia in concert with the Planning Board Engineer would like to formalize that and put it in a specific location as shaded here (pointing).

Chairman Van Leeuwen: Does he own both pieces of property.

Mr. Doce: Yes, bottom line. Everything else is being resolved by new site plans, by properly changing of property line so that it is moved to the point where there is no violations. A new easement is being drawn to protect the Town's interest and there will be a Variance requested in front yard set back.

Chairman Van Leeuwen: Any questions?  
May we have a copy of the easement so our Attorney may look it over.

Mr. Doce: It is not complete yet.

Mr. Kennedy: Paul has to present it to the Town Board. The building that sits there is the same as other buildings. He has to get Town Board approval, ZBA approval, Planning Board approval to straighten out.

Mr. Spignardo: He must get ZBA and Town Board approval. If they don't, we can't. I am not apposed but I am not sure which parking area I prefer.

Mr. Scheible: What will you be serving?

Mr. Pellechia: Custard, hot dogs and soda. I have plenty of room. Pat saw this. Paul Cuomo saw this.

Mr. Reynolds: How much property to edge of easement?

Mr. Doce: Twenty (20 ft.) feet.

Mr. Reynolds: Is that where the drainage is?

Mr. Pellechia: We are making everything legal.

Chairman Van Leeuwen read a memo from Paul V. Cuomo, Planning Board Engineer that he had received Mr Pellechia's plans and application on a new drainage alignment off Route 207 it he felt it was satisfactory. Mr. Cuomo stated that he needed a written description of easement to enable Town of New Windsor to draw up necessary conveyance papers for filing.

Mr. Reynolds: What about the traffic flow?

Mr. Pellechia: It is good. Go off Route 207 and out Weather Oak Hill.

Chairman Van Leeuwen asked what kind of paving was going to be used.

# This Indenture,

Made the 13th day of November, , nineteen hundred and Seventy-five,

Between GEORGIAN D. KOCH, residing at M. D. 35, Little Britain Road, New Windsor, New York 12550,

*part y of the first part, and*

FRED N. PELLECHIA and EDITH PELLICHIA, husband and wife, as tenants by the entirety, residing at No. 18 Linden Drive, Newburgh, New York 12550,

*parties of the second part:*

Witnesseth, that the part y of the first part, in consideration of Ten and no/100  
----- (\$10.00) ----- Dollars,  
lawful money of the United States, and other good and valuable considerations  
paid by the parties of the second part,  
does hereby grant and release unto the parties of the second part, their heirs  
and assigns forever,



all that piece or parcel of land, together with the improvements thereon, situated in the Town of New Windsor, Orange County, New York, bounded and described as follows:-

BEGINNING at an iron rod in the southerly right of way line of the New York State Highway Route 207, from Newburgh to Little Britain, said point being 142.87 feet distant measured southeasterly along the said right of way line from the easterly corner of lands of Nathaniel M. Brown, and being 12± feet distant measured southeasterly from the center of a concrete culvert and runs,

THENCE (1) South 76° 13' East along said Right of Way line 100.19 feet to an iron rod,

THENCE (2) South 17° 16' West 170.37 feet to an iron rod,

THENCE (3) North 72° 44' West 100.0 feet to an iron rod on the easterly side of a small drainage ditch,

THENCE (4) North 17° 16' East 164.28 feet to the point of beginning.

Containing 0.384 acre of land, more or less.

BEING a portion of the lands conveyed by Nathaniel M. Brown by

deed dated October 17, 1949, and recorded in the Orange County Clerk's Office on October 18, 1949, in Liber 1138 at Page 451.

BEING the same premises conveyed by Rowland D. Smith, Jr. and Cherry A. Smith, husband and wife, to Frederick W. Koch, Jr., and Georgian D. Koch, husband and wife, by deed dated April 21, 1953, recorded April 23, 1953 in Liber 1264 of Deeds at Page 578, Orange County Clerk's Office. Said Frederick W. Koch, Jr., having become deceased on the 5th day of November, 1972, survived by Georgian D. Koch, surviving tenant by the entirety and instant grantor.

Together with the appurtenances and all the estate and rights of the part y - of the first part, in and to the said premises.

To have and to hold the premises herein granted unto the parties of the second part, as tenants by the entirety, their heirs and assigns forever.

And said ~~XXXX~~ party of the first part

covenants as follows:

First. That said party of the first part is seized of the said premises in fee simple and has good right to convey the same;

Second. That the parties of the second part shall quietly enjoy the said premises;

Third. That the said premises are free from incumbrances;

Fourth. That the part Y of the first part will execute or procure any further necessary assurance of the title to said premises;

Fifth. That said party of the first part  
will forever warrant the title to said premises.

Sixth. The grantor, in compliance with Section 13 of the Lien Law, covenant as follows:  
That she will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, and that she will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the part Y of the first part has hereunto set her  
hand and seal the day and year first above written.

In the Presence of:

Georgian D. Koch (L.S.)  
Georgian D. Koch

State of New York,  
County of ORANGE

ss.:

On the 13th day of November, nineteen hundred and  
Seventy-five before me personally came GEORGIAN D. KOCH

, to me known  
to be the individual described in, and who executed, the foregoing instrument, and  
acknowledged that she executed the same.

Allen J. Indycka  
Notary Public

ALLEN J. INDYCKA  
Notary Public in the State of New York  
Residence on Appointment - Orange County  
Commission Expires March 30, 1976

ALLEN J. INDYCKA  
Notary Public in the State of New York  
Residence on Appointment - Orange County  
Commission Expires March 30, 1976

2022 200

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

# Deed.

ORANGE  
COUNTY  
050115  
REAL ESTATE  
TRANSFER TAX  
DEPT. OF  
TREASURY NOV 1975  
STATE OF  
NEW YORK  
2022  
100.00  
100.00

GEORGIAN D. KOCH

TO

FRED N. PELLECHIA and EDITH  
PELLECHIA, husband and wife

Dated, November 13th, 1975

LIBER 2022 PG 040

17th  
Nov 1975  
Deed  
2022  
637

ALLEN J. INDEONKA  
ATTORNEY AT LAW  
165 LIBERTY STREET  
NEW YORK, N.Y. 10038

2970  
7-

Chg. Northrop

THIS INDENTURE, made the 27<sup>th</sup> day of July, nineteen hundred and seventy-nine  
BETWEEN CAROL A. OWEN, residing at Mt. Airy Road, (no number),  
New Windsor, New York,

party of the first part, and FRED N. PELLECHIA and EDITH PELLECHIA, husband and  
wife, as tenants by the entirety, residing at 601 Little Britain Road,  
New Windsor, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

- - - - -TEN AND NO/100 - - - - -(\$10.00)- - - - - dollars,

lawful money of the United States, and other good and valuable consideration paid  
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or  
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,  
lying and being in the Town of New Windsor, Orange County, New York,  
bounded and described as follows:

BEGINNING at an iron pipe in the southerly right of way line of the  
New York State Highway Route 207 from Newburgh to Little Britain at  
the easterly corner of lands of Nathaniel M. Brown and runs thence  
(1) S 85 degrees 43' E along said right of way line 61.78 feet to  
a concrete monument; thence (2) along the same S 76 degrees 13' E  
80.77 feet to an iron rod, said point being 12 more or less feet  
distant measured southeasterly from the center of a concrete  
culvert; thence (3) S 17 degrees 16' W 164.28 feet to an iron rod  
on the easterly side of a small drainage ditch; thence (4) N 72  
degrees 44' W 148.20 feet to an iron rod in the line of lands of  
Nathaniel M. Brown; thence (5) N 20 degrees 10' E along said line of  
Brown 145.67 feet to the point of beginning.

BEING the same premises described in a deed dated November 19, 1969 from  
Merlin P. Owen and Martha M. Owen to JOHN P. OWEN and CAROL A. OWEN,  
which Deed was thereafter recorded in the Office of the Orange County  
Clerk on November 20, 1969, in Liber 1834 of Deeds at Page 1141.

BEING the same premises conveyed by John P. Owen and Carol A. Owen  
to Carol A. Owen by deed dated February 24th, 1978, and recorded  
in the Orange County Clerk's Office on March 10th, 1978 in Liber 2093  
of Deeds at Page 603.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

  
CAROL A. OWEN



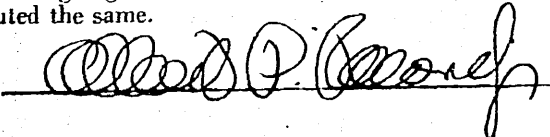
STATE OF NEW YORK, COUNTY OF ORANGE

ss:

On the 27<sup>th</sup> day of July 1979, before me personally came

CAROL A. OWEN

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.



ALBERT P. PACIONE JR.  
Notary Public, State of New York  
Qualified in Orange County  
My Commission Expires Mar. 30, 1981

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19, before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19, before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

**Bargain and Sale Deed**  
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No. \_\_\_\_\_

CAROL A. OWEN

TO

FRED N. PELLECHIA and EDITH  
PELLECHIA, husband and wife,  
as tenants by the entirety,

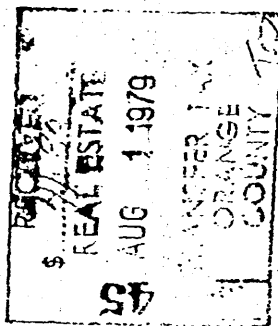
SECTION  
BLOCK  
LOT  
COUNTY OR TOWN

RETURN BY MAIL TO:

Northrop & Stradar, Esqs.  
388 Broadway  
Newburgh, New York 12550

Zip No.

Reserve this space for use of Recording Office.



LIBER 2138 PAGE 677

Orange County Clerk's Office, N.Y.

Recorded on the 1st day

Aug 19 79 at 2:15

Delivered M. in Lib. 2/13/81

at page 675

and Examined.

*John A. Fedler*

Planning Board  
Town of New Windsor  
555 Union Avenue  
New Windsor, New York 12550

(This is a two-sided form)

Date Received \_\_\_\_\_  
Meeting Date \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Action Date \_\_\_\_\_  
Fees Paid \_\_\_\_\_

### APPLICATION FOR SITE PLAN APPROVAL

1. Name of Project SITE PLAN LAWS OF PELLECHIA
2. Name of applicant FRED N. PELLECHIA Phone 564-1736  
Address 601 LITTLE BRITAIN ROAD, NEW WINDSOR, N.Y. 12550  
(Street No. & Name) (Post Office) (State) (Zip Code)
3. Owner of record SAME AS ABOVE Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(Street No. & Name) (Post Office) (State) (Zip Code)
4. Name of person preparing plan VINCENT J. DOGE Phone 561-1170  
Address 15 NEW ROAD, NEWBURGH, N.Y. 12550  
(Street No. & Name) (Post Office) (State) (Zip Code)
5. Attorney \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(Street No. & Name) (Post Office) (State) (Zip Code)
6. Location: On the SOUTH side of LITTLE BRITAIN RD. (RTE. 20)  
(Street)  
AT THE INTERS. WITH  
WEATHER OAK HILL ROAD  
(Street)
7. Acreage of parcel 0.91 AC ±
8. Zoning district NC
9. Tax map designation: Section 33 Block 2 Lot(s) 13
10. This application is for the use and construction of AN EXISTING BLDG.  
TO BE USED AS AN ICE CREAM STAND AND A PARKING  
AREA TO SERVICE IT.
11. Has the Zoning Board of Appeals granted any variance or special permit concerning this property? NO If so, list case No. and Name \_\_\_\_\_
12. List all contiguous holdings in the same ownership  
Section 33 Block 2 Lot(s) 12

FOR OFFICE USE ONLY:

Schedule

Column

Number

Attached hereto is an affidavit of owner, trip indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION, CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

12<sup>th</sup> day of April, 1983. Fred N. Pellechia  
Applicant's Signature

Shirley B. Russett  
Notary Public

Title

SHIRLEY B. RUSSETT  
Notary Public, State of New York

Notary P. No. 461788

Qualified in Orange County, NY

Commission Expires March 30, 1984

OWNER'S ENDORSEMENT

(Completion required ONLY if applicable)

COUNTY OF ORANGE }  
STATE OF NEW YORK } SS.:

\_\_\_\_\_ being duly sworn, deposes and says that he resides

\_\_\_\_\_ In the  
(Owner's Address)  
county of \_\_\_\_\_ and State of \_\_\_\_\_

and that he is (the owner in fee) of \_\_\_\_\_ of the \_\_\_\_\_  
(Official Title)

Corporation which is the owner in fee) of the premises described in the foregoing application  
and that he has authorized \_\_\_\_\_ to make the foregoing application for special use approval as described herein.

Sworn before me this.

\_\_\_\_\_ day of \_\_\_\_\_, 198\_\_\_\_\_  
(Owner's Signature)

Notary Public



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK  
(914) 565-8550

*Planning Bd  
Received 5/11/83  
sh.*

Date: May 10, 1983

Mr. Vincent Doce  
VINCENT DOCE ASSOCIATES  
15 New Road  
Newburgh, N. Y. 12550

RE: APPLICATION BEFORE ZONING BOARD OF APPEALS  
# 83-19 - PELLECHIA, FRED

Dear Vince:

This is to confirm that your above application before the  
New Windsor Zoning Board of Appeals was granted  
at a meeting held on the 9th day of May, 1983.

A formal decision will be drafted and acted upon at a later  
date. You will be receiving a copy of same by return mail.

Meanwhile, if you have any further questions, please do not  
hesitate to call me.

Yours very truly,

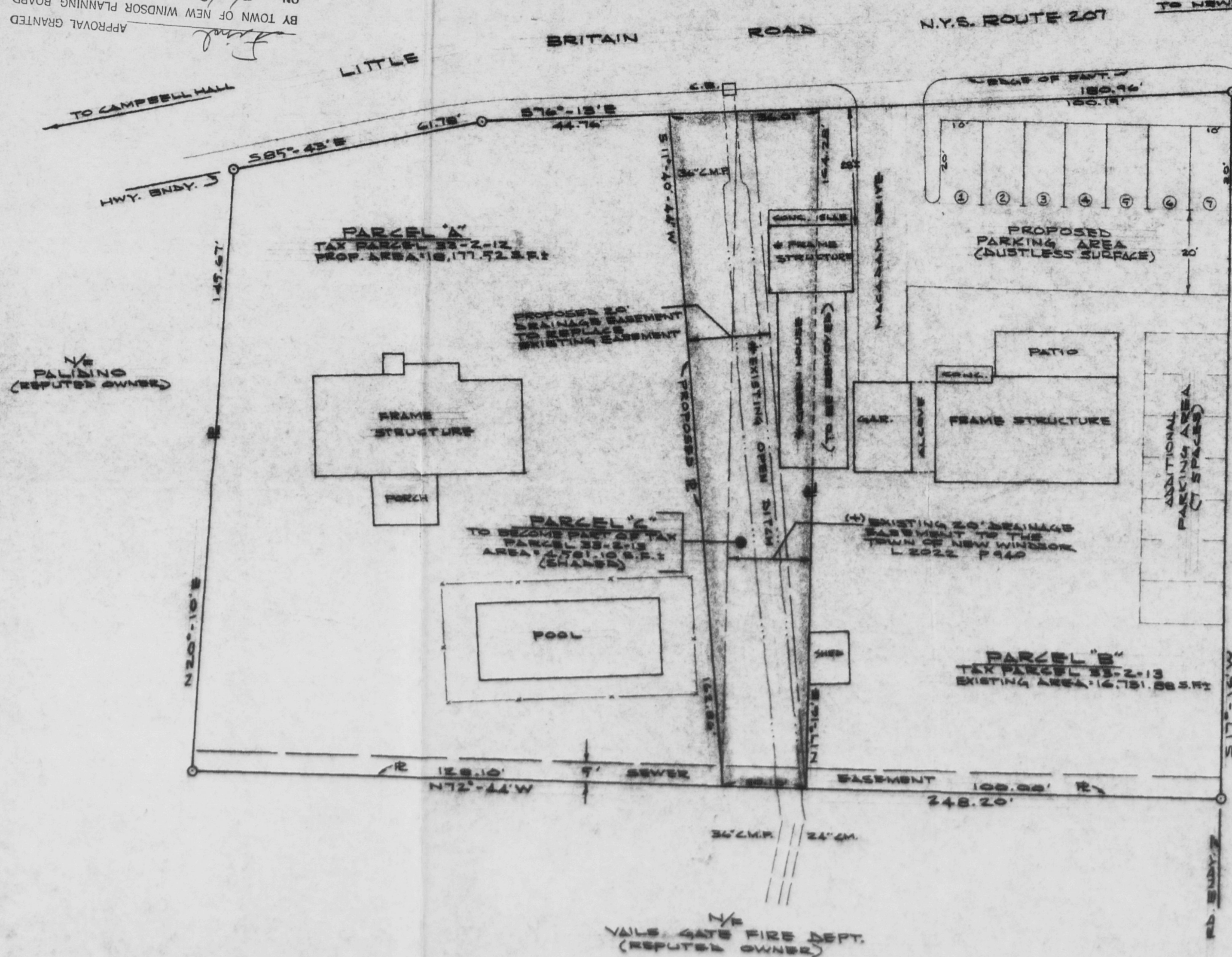
PATRICIA DELIO, Secretary  
New Windsor Zoning Board of Appeals

/pd

cc: Patrick Kennedy, Bldg/Zoning Inspector  
Town Planning Board



BY TOWN OF NEW WINDSOR PLANNING BOARD  
APPROVAL GRANTED  
5/18/83  
BY [Signature]  
HENRY P. VAN LEEUWEN  
CHAIRMAN



LOCATION PLAN

SCALE 1"=1000

## GENERAL NOTES

1. SURVEY BY OTHERS, UNLESS OTHERWISE NOTED.
2. \* LOCATED BY THIS OFFICE FROM EXISTING STRUCTURES IN #1 ABOVE.
3. (C) ORIGINAL BASEMENT AS LOCATED BY OTHERS.
4. VINCENT L. DOLE DISPUTES LOCATION IN #3 ABOVE.
5. \* SEE A ABOVE NOTWITHSTANDING, SUBJECT PROPERTY OWNER NOW PROPOSES THAT NEW BASEMENT (PARCEL "C") REPLACES ALL PREVIOUS BASEMENT AGREEMENTS.

ZONE DISTRICT NC

LOT AREA	10,000 S.F.
LOT WIDTH	100 FT.
FRONT YARD	40 FT.
REAR YARD	15 FT.
ONE SIDE YARD	15 FT.
BOTH SIDE YARDS	35 FT.
FLOOR AREA RATIO	1

TAX MAP DATA:  
SECTION 33 BLOCK 2 LOTS 12+13

：此項之圖係由本館所藏

LINER 2022 PAGE 637  
LINER 2158 PAGE 675

### PROPOSED LOT LINE CHANGE

SITE PLAN  
LAND OF  
FRED Z. & EDITH BELLECHIA  
N.Y.S. ROUTE 807 TOWN OF NEW WINDSOR  
GRANGE CO. NEW YORK

PREPARED BY:  
VINCENT J. DOLE ASSOCIATES  
SURVEYORS & PLANNERS

59-25-4: 45158A  
58-01-4: 45144A  
57-1: 45137A  
4408 3322 1-1

